

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE  
PUBLIC SERVICE COMMISSION

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In the Matter of

Case 10-T-0139  
- in relation to -

An Application of CHAMPLAIN HUDSON EXPRESS  
INC., for a Certificate of Environmental  
Compatibility and Public Need pursuant to Article  
VII of the PUBLIC SERVICE LAW for Construction,  
Operation, and Maintenance of a High Voltage  
Direct Current Circuit from the Canadian Border  
to New York City.

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Town of Whitehall, Town Office  
58 Skenesborough Drive  
Whitehall, New York 12887

Tuesday, April 3, 2012  
6:00 p.m.

STENOGRAPHIC RECORD of a Public Statement  
Hearing conducted pursuant to Notice.

BEFORE: KEVIN CASUTTO,  
Administrative Law Judge

REPORTED BY: BETH S. GOLDMAN, RPR  
Certified Shorthand Reporter

1 P R O C E E D I N G S

2 ALJ CASUTTO: Good evening, ladies and  
3 gentlemen. I call Case Number 10-T-0139,  
4 Champlain Hudson Power Express, Inc. This is a  
5 Public Service Law Article VII, Application for a  
6 Certificate to construct a sub-aquatic and  
7 underground high voltage power line from the  
8 Canadian border to New York City, and application  
9 for water quality certification issued pursuant to  
10 the Federal Clean Water Act, Section 401.

11 This is a Public Statement Hearing. The  
12 Application was initially filed on March 29, 2010,  
13 and the Public Service Commission secretary deemed  
14 the application to be in compliance with the  
15 filing requirements, essentially to be ready for  
16 public review as of August 11th, 2010.

17 Again, that determination commenced the  
18 project review for this Application.

19 On November 2, 2011, the Company filed a  
20 notice of impending settlement negotiations,  
21 meaning that the parties in the case were  
22 intending to begin a settlement process.

23 A VOICE: A settlement of what?

24 ALJ CASUTTO: To try to come up with a  
25 settlement proposal that would resolve issues in

1 contention in the project review. And, following  
2 a lengthy negotiation process, on February 24,  
3 2012, a majority of the parties signed and filed a  
4 settlement document which is referred to as a  
5 Joint Proposal.

6 The parties supporting the Joint  
7 Proposal include the Applicant and DPS staff,  
8 several state agencies, the Riverkeeper, and  
9 Scenic Hudson environmental groups, and  
10 municipalities including the City of New York and  
11 the City of Yonkers.

12 So, the purpose for this Public  
13 Statement Hearing and the other five Public  
14 Statement Hearings that have been advertised at  
15 this time is to obtain comments from the public on  
16 this proposed settlement document.

17 My name is Kevin Casutto. I am an  
18 Administrative Law Judge with the Department of  
19 Public Service.

20 The Public Statement Hearing is being  
21 held pursuant to the provisions of the Public  
22 Service Law regarding the siting of major  
23 utilities transmission facilities and regulations  
24 issued pursuant thereto.

25 The application materials and the Joint

1 Proposal have been and will remain available for  
2 public review at several public libraries and  
3 city, town, and village halls along the project's  
4 proposed siting areas. The materials are also  
5 available, as Mr. Jessome mentioned before we went  
6 on the record, on the Company's website and also  
7 are available at the Department of Public Service  
8 website.

9 The public notice of this hearing is  
10 available on the Department's public web page for  
11 this case and also was published in the Glens  
12 Falls Post Star newspaper on or about Saturday,  
13 March 24, 2012. So, again, the purpose of the  
14 Public Statement Hearing is to receive your  
15 comments on the project essentially as modified by  
16 the settlement proposal, this Joint Proposal.

17 Now, the hearing was advertised to start  
18 at 6:00 p.m., and we started about fifteen or  
19 twenty minutes later to allow, as you know, for an  
20 informal question-and-answer process before we  
21 went on the record.

22 As was noted during that process, this  
23 project also requires Federal permit, including a  
24 Presidential Permit and other related permits.

25 The United States Department of Energy

1 is reviewing the project for that purpose and has  
2 indicated to the Public Service Commission that it  
3 intends to review the transcript of this hearing  
4 and the other public statement hearings that we  
5 are holding to determine whether any comments  
6 would be of use in their federal review of the  
7 project.

8           Persons interested in the Federal  
9 Department of Energy process can find more  
10 information about the federal review on the United  
11 States Department of Energy website or on a link  
12 to the Department of Energy from the New York  
13 State Public Service Commission website.

14           In addition, we have here on the  
15 information table copies of the Department of  
16 Energy statement dated March 30, 2012 regarding  
17 its intended use of comments that are received in  
18 this hearing process. And, copies of that  
19 document are available if anybody would like a  
20 copy.

21           Following this round of Public Statement  
22 Hearings, a procedural conference has been  
23 scheduled for April 30, 2012 at the Public Service  
24 Commission offices in Albany. That hearing is  
25 primarily for the parties in the case to discuss

1 further scheduling on related matters. It is open  
2 to the public, if you would like to attend and  
3 observe the proceedings.

4 Additionally, there will be a video link  
5 from our New York City offices for those parties  
6 who want to participate from New York City.

7 I have two speaker cards requesting to  
8 speak, so two people have requested to speak. The  
9 cards are available on the information table. If  
10 anybody else would like to make a comment tonight,  
11 please fill out a card if you haven't done so  
12 already.

13 A VOICE: I have a question about that.

14 ALJ CASUTTO: Yes?

15 A VOICE: Why do I have to fill out a  
16 card in order to be able to speak? I could care less  
17 about that. I'm concerned that the Department  
18 wants to tape it, and I could care less about  
19 that.

20 ALJ CASUTTO: The Department is not  
21 taping it. Those are news cameras that are here.  
22 It's a public meeting, and they are allowed to do  
23 that. I'll tell you what. Let's take the  
24 statements from the two people that I do have, and  
25 I would be happy to speak with you about that

1 during a recess. And I'm sure we could work  
2 something out if you insist on not filling out a  
3 card. It just who is speaking and whether they  
4 represent an organization. But, that is certainly  
5 your prerogative, and I will work something out  
6 with you so that we can take your statement and  
7 you can be anonymous, if you prefer. I'm not here  
8 to antagonize you or seek information; okay?

9           So, let's turn to the first speaker,  
10 Frank Barber. And, if you like, you can come up  
11 here or you can remain seated. Let me just ask  
12 you to speak up because we have a stenographer and  
13 we have no microphones or amplification. So, if  
14 she doesn't hear you, it doesn't go into the  
15 transcript. So, please speak up.

16           MR. BARBER: Frank Barber. If you are  
17 going to infringe on our benefits and our  
18 property, we would like to know about it in  
19 advance. That's it. I don't have anything else  
20 to say.

21           ALJ CASUTTO: Thank you. The next  
22 speaker is Skip Stranaham.

23           MR. STRANAHAM: Right here. I have  
24 several questions about this project. First off,  
25 I think we should be developing -- I represent

1 Rural America. I think we should be developing  
2 our own infrastructure in New York State. We have  
3 an abundance of energy and water power. This is  
4 competition for us, basically. As far as your  
5 Federal Environmental Impact Statement, has one  
6 been completed?

7 ALJ CASUTTO: No. We began our scoping  
8 process. And I understand that the scoping  
9 process was paused. It was held in abeyance, and  
10 I'm not sure what the circumstance are. I believe  
11 the Applicant requested it, but I'm not positive.  
12 But, now, they are restarting the process in light  
13 of the settlement proposal. So, they will be  
14 announcing a comment periods for their federal  
15 scoping process. But, that has to be published in  
16 the Federal Register, which is a government  
17 publication.

18 MR. STRANAHAM: So, one has not been  
19 completed yet?

20 ALJ CASUTTO: They are in the process.

21 MR. STRANAHAM: Has there ever been a  
22 project of this magnitude in New York State where  
23 you ran this amount of power underneath our rivers  
24 and fisheries and so forth? Has there ever been  
25 such a project in New York State that has been



1 approved?

2 ALJ CASUTTO: To my knowledge, there has  
3 not been such a project proposed or one that has  
4 been approved of this magnitude, but I could be  
5 mistaken about that. But, again, the purpose for  
6 the Public Statement Hearing is to receive your  
7 comments. It's not really for a  
8 question-and-answer. Although I am trying to give  
9 you an answer, we are really here -- I take it  
10 that when you asked that question, let me suggest  
11 that instead of asking the question that you also  
12 make that into a statement. That's what I would  
13 suggest.

14 MR. STRANAHAM: My suggestion would be  
15 that the whole operation would seem to be reckless  
16 endangerment to our firemen. Now, if we don't  
17 have an Environmental Impact Statement as to the  
18 effects of this project on our environment, that  
19 would be something that I think should have  
20 happened before the project goes anywhere. And,  
21 then, if we have never had a project of this  
22 magnitude in the State of New York, then we could  
23 be risking a lot of our environment based on  
24 something that we have never even seen done or  
25 heard done or had any experience with. So, my

1 question would be: You are saying that you have  
2 no experience with doing this type of project, and  
3 I don't think this project should --

4 ALJ CASUTTO: I didn't say that.

5 MR. STRANAHAM: Okay. Are you saying  
6 that you did? I go back to the question, I guess:  
7 Are you saying you did have or you don't have?

8 ALJ CASUTTO: Well, me, personally is  
9 different from the Public Service Commission. The  
10 PSC has people with different kinds of expertise:  
11 Engineers, scientists, economists, accountants,  
12 attorneys. So, there are many different fields of  
13 expertise that the Public service Commission  
14 brings to the table. The other state agencies  
15 involved in the review of this case include, as  
16 was noted off the record, several agencies  
17 including the Department of Environmental  
18 Conservation, the New York State Department of  
19 state, the Office of Parks and Recreation, the  
20 Adirondack Park Agency. And each of those  
21 agencies has expertise that they bring to the  
22 table.

23 MR. STRANAHAM: Absolutely, to some  
24 degree. What I'm saying is that I have been  
25 involved in these projects all across the United

1 States. And, whenever there is a failure, the  
2 people pay for the failure. The cost of the  
3 damage doesn't go back to somebody else. When you  
4 release Chromium 6 because you didn't have an EIS  
5 into the river and kill all the fish, then the  
6 people pick up the tab and the people are left  
7 with the disaster. I think a project of this  
8 magnitude that's going to run this kind of current  
9 underneath our village streets and our watershed  
10 needs an Environmental Impact Statement before it  
11 moves forward to any degree.

12 ALJ CASUTTO: All right, thank you.

13 MR. STRANAHAM: You're welcome.

14 ALJ CASUTTO: Did you want to say  
15 anything further?

16 MR. STRANAHAM: Well, I would also like  
17 to say that I think we should be involved in  
18 building infrastructure within the state to  
19 produce our own power. And, I believe there's a  
20 loss instead of a gain here. These jobs are  
21 temporary jobs and won't maintain a workforce in  
22 New York State. They will be over at some period  
23 when the transmission lines are laid down. We  
24 need to develop our own power here and keep our  
25 own people working. We can't keep exporting our

1 own energy or farming our energy out to somebody  
2 else. I think that this probably represents a  
3 drain of maybe \$12 million a year. So I would  
4 like to see the rest of that included in what you  
5 are doing.

6 ALJ CASUTTO: All right, thank you.

7 The third speaker is Charlie Bennett.

8 MR. BENNETT: We have a little thing  
9 with the Mayor going on here, too. I'm just  
10 wondering about the location of where it is to the  
11 waterline that we were just speaking about. And,  
12 you know, if this thing is going three or four  
13 feet down, if it's that close to the waterline and  
14 let's say someone is on the excavator and hits  
15 that waterline, what is going to happen to him? I  
16 mean there's a whole lot of issues here. Has  
17 anybody even talked to the village board about  
18 where this thing is going in detail? I don't mean  
19 just give them a concept of like, well, we're  
20 going to put it somewhere down through here. I  
21 mean exactly how far from the road? How far from  
22 the waterline will it be? There's a whole lot of  
23 particulars here that need to be hammered out with  
24 the village. And are they going to move the cable  
25 direction to accommodate the village, or is the

1 village going to have to move their part of the  
2 infrastructure to accommodate them? Do you seem  
3 what I mean? Okay.

4 ALJ CASUTTO: All right, thank you.  
5 Now, we will hear from Pete Telisky, who I'm told  
6 is the Village Mayor.

7 MAYOR TELISKY: One of the things -- we  
8 have not received your notices as we are dealing  
9 with the different things in the placement of this  
10 line. One of the big issues that we do face is  
11 that our main water source comes up with resin.  
12 And, part of that line is iron, cast iron. And  
13 it's reasonably deep in most areas. But, the  
14 problem I seem to be looking at with this is the  
15 maintenance of that line. We have a right-of-way  
16 maintenance all along that state highway for a  
17 fair length of this starting at the bay that  
18 crosses the bridge and follows the eastern  
19 shoulder of the road until it hits the Town DPW  
20 barn and passes in front and then goes off the  
21 highway from that point on. We have a substantial  
22 project to replace that waterline that's already  
23 underway. The engineering is being done right  
24 now. The waterline is going to have to be  
25 replaced in this spring and in the summer, a

1 section of it. The problem that I have is when  
2 you encounter this with a lot of different  
3 utilities, or any time you are near utilities, the  
4 village is always the one that has to pay to have  
5 somebody from up here to come here and sit around  
6 while we work around something they have  
7 installed. From my position, I don't think that's  
8 fair, number one. I think the village line is  
9 there and that there should be accommodation made  
10 to move that power line someplace so that it's  
11 away from us, first.

12           Secondly, with that kind of voltage and  
13 amperage -- or voltage, I should say, in that  
14 area, we are using all kinds of heavy equipment.  
15 We maintain that line frequently down through  
16 there. It's a fairly old line. That's why part  
17 of it is being replaced. The danger that 300 amps  
18 and 32,000 volts presents to the people working  
19 for the village is substantial and much higher  
20 than underground facilities here that we are  
21 dealing with. So, I have a bit of an issue with  
22 that. And, finalizing that statement, I would  
23 like to say that while we have been reading about  
24 other issues going on up the lake, the village has  
25 yet to be contacted about anything having to do

1 with its infrastructure. Now, with the course of  
2 that waterline, we are also going to push laterals  
3 underneath that highway, meaning that no matter  
4 where you go through there, you are going to be  
5 crossing that. I don't know how to address that.  
6 I think the village has the right to be heard on  
7 this and somehow make our statement clear that  
8 this could pose a substantial problem for us  
9 financially and safety-wise.

10 ALJ CASUTTO: All right, thank you.  
11 Mayor, you are the last person to speak. I have  
12 no other cards. So we are going to go off the  
13 record momentarily. And, while we are off the  
14 record, if you have time, representatives of the  
15 Public Service Commission staff are here and  
16 representative of the Company are here. And,  
17 possibly, you can engage in some dialogue off the  
18 record.

19 MAYOR TELISKY: I can provide assistance  
20 in that as far as the engineering company that we  
21 are working has already designed the waterline for  
22 us. This is, again, scheduled to go in this  
23 spring and part of the summer. This is part of  
24 the \$10 million project that the village has  
25 undertaken, compelled to do it by the Department

1 of Health.

2           One other comment I would like to make  
3 on the record, too, is that while this is going to  
4 generate -- I realize there may be some benefit in  
5 property tax for this line coming up the  
6 right-of-way, upstate New York always seems to  
7 find the least benefit in anything that happens in  
8 the lower part of our state, down near New York  
9 City. I'm not saying it's a bad thing to help  
10 people and provide power. What I'm saying is that  
11 it would seem to be that if this amount of money  
12 is being spent to put this type of line in, there  
13 has to be a substantial gain from this. Yet, no  
14 hosting package of any kind has been presented to  
15 any of these struggling communities in the  
16 northeast for hosting this particular line that's  
17 buried in our ground. So, we always seem to get  
18 the smallest benefit and other areas seem to get  
19 the largest benefit. And, I just have to believe  
20 that there's a great deal of money that is going  
21 to be made on this. So, I would expect that maybe  
22 somebody would listen to the fact that upstate New  
23 York suffers and there needs to be something done  
24 for us.

25           ALJ CASUTTO: Well, there is a trust



1 proposed as one feature of the Joint Proposal.  
2 And, while it's not specifically directed to  
3 municipalities, it's for the benefit and  
4 improvement of water quality in Lake Champlain and  
5 the Hudson River. And that would be quite a  
6 substantial trust that is proposed.

7           MAYOR TELISKY: Well, there just needs  
8 to be something proposed up here because we always  
9 seem to get pretty much zero on proposals that are  
10 made.

11           ALJ CASUTTO: I believe it is proposed  
12 as \$170 million, approximately.

13           MR. JESSOME: \$117 million.

14           ALJ CASUTTO: That would be over a  
15 period of years, but it's a \$117 million trust  
16 fund that is proposed that would be funded by the  
17 Company.

18           So, at this point, I would like to go  
19 off the record briefly, and we will see whether  
20 anybody else will come forward who wants to make a  
21 public statement this evening. Meanwhile, while  
22 we are off the record, if you have further  
23 questions for DPS staff and company, they are  
24 available here to answer your questions. So,  
25 let's go off the record at this time and we'll see

1 if any other speakers come forward.

2 (Recess: 6:43 p.m. - 7:15 p.m.)

3 ALJ CASUTTO: Is there anybody --  
4 several of you have made comments while we were  
5 off the record that I would be pleased to have on  
6 the record if you'd like to repeat it.

7 Is there anybody who wants to make a  
8 further statement on the record?

9 (No response)

10 ALJ CASUTTO: Okay. I think we are  
11 going to go back on, and I'll close the record at  
12 this time. So, let's go back on the record, and I  
13 will note that we went off the record at about  
14 6:40 p.m. and it is a little bit beyond 7:15 now.  
15 And, we have had a very productive discussion off  
16 the record, a question-and-answer period. And,  
17 just before we went back on the record I inquired  
18 whether anyone else wished to make a public  
19 comment and no one has so indicated so.

20 MAYOR TELISKY: Could you just readdress  
21 what you said about the Intervenor Funds?

22 ALJ CASUTTO: Part of the Public Service  
23 Law application process, or Article VII, requires  
24 the Applicant to provide funds that are available  
25 for parties in the case to use to assist in their

1 review of the Article 7 Application.

2 MAYOR TELISKY: That would mean  
3 Communities like Whitehall that are struggling?  
4 Is what you are saying?

5 ALJ CASUTTO: Yes. And, the law  
6 specifies that at least half of the Intervenor  
7 Fund must be reserved for municipalities to use.  
8 So, some of those funds have been used already,  
9 but there is still a substantial amount of  
10 municipal Intervenor Funds available. So, if  
11 Whitehall were interested, you would have to  
12 become a party in the case and then make an  
13 application for Intervenor Funding.

14 MAYOR TELISKY: Thank you.

15 ALJ CASUTTO: Okay. Did anybody want to  
16 say anything more before we go off the record?

17 (No response)

18 ALJ CASUTTO: Okay. No one has so  
19 indicated. So, at this time we are going to close  
20 the Public Statement Hearing record for this  
21 evening.

22 I will note that we will have a total of  
23 six Public Statement Hearings. This is the first.  
24 On April 4th, we will be in Catskill, New York.  
25 On April 5th in Ravena, April 10th in Schenectady,

1 April 12th in Haverstraw, Rockland County, and  
2 April 24th in Astoria, Queens.

3 Thank you very much, ladies and  
4 gentlemen.

5 (The Public Statement Hearing was  
6 concluded at 7 20 p.m.)

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STATE OF NEW YORK )  
  SS:  
COUNTY OF ALBANY )

I, BETH S. GOLDMAN, Certified  
Shorthand Reporter, Registered Professional  
Reporter and Notary Public in and for the  
County of Albany and the State of New York,  
hereby certify that the proceedings recorded  
hereinabove were recorded stenographically  
by me and reduced to computer-generated  
transcription.

I FURTHER CERTIFY that the foregoing  
transcript of said proceedings is a true and  
correct transcript stenographically recorded  
at the time and place specified hereinbefore.

I FURTHER CERTIFY that I am not a  
relative or employee, attorney or counsel  
of any of the parties, nor a relative or  
employee of such attorney or counsel, or  
financially interested either directly or  
indirectly in this action.

IN WITNESS WHEREOF, I have hereunto  
set my hand.

BETH S. GOLDMAN  
Certified Shorthand Reporter  
Registered Professional Reporter  
Notary Public

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## Z

**zero** <sup>[1]</sup> - 17:9